

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

PEPITO B. RUBIANO,

Plaintiff,

v.

Civil Action No.

CAMERON M. CONGER,
SERVE: 1093 Treefern Drive
Virginia Beach, VA 23451

and

UNITED STATES OF AMERICA
SERVE: G. Zachary Terwilliger
U. S. Attorney for the Eastern District of Virginia
441 W. Main Street
Norfolk, VA 23510

Defendant.

SERVE: Merrick B. Garland
U. S. ATTORNEY GENERAL
U. S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

COMPLAINT

TAKE NOTICE that the undersigned hereby moves the United States District Court for the Eastern District of Virginia, Norfolk Division, at the courthouse thereof, for a judgment and award against you, jointly and severally, for a sum in the amount of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) with interest and costs for the following, to-wit:

1. That this Court has jurisdiction under 28 U.S.C. § 1346 (b)(1) on the basis

that this matter arises from the negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment.

2. That venue is proper in this Court under 28 U.S.C. § 1391 (e)(1) on the basis that defendant Cameron M. Conger resides in this Court's judicial district.

3. That on or about the 8th day of October, 2019 at approximately 3:24 p.m., plaintiff, PEPITO B. RUBIANO, was operating his vehicle on Butler Farm Road in the City of Hampton, Virginia.

4. That at the aforesaid time and place defendant, CAMERON M. CONGER, was operating his motor vehicle. While operating said vehicle he had a duty to operate his vehicle in a safe, reasonable and lawful manner.

5. That at the aforesaid time and place the defendant operated his vehicle in a negligent and reckless manner causing same to collide with the plaintiff's vehicle.

6. That as a direct and proximate result of the defendant's negligence and recklessness the plaintiff was seriously and permanently injured.

7. That at the time of this collision defendant Cameron M. Conger was an employee of the United States Government, the United States Air Force, and was acting within the scope of his employment.

8. That the United States Government and the United States Air Force are liable to the plaintiff under *Respondiat Superior*, and the laws of the Commonwealth of Virginia.

9. That these injuries to the plaintiff and the shock resulting from the accident have caused past, present and future pain and suffering, both mental and physical, and these injuries have required the plaintiff to expend large sums of money for past, present and future medical care.

10. The aforesaid injuries will continue to disable plaintiff from all other activities formerly associated with his person and station in life.

11. The plaintiff has also been caused to lose time from work and engaging in

any productive occupation and has suffered and will continue to suffer loss of earnings and wages and loss of earning capacity.

12. The plaintiff demands a trial by jury.

WHEREFORE, plaintiff moves the Court for a judgment and award against you, jointly and severally, for a sum in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) together with interest and costs, including prejudgment interest as provided by statute.

PEPITO B. RUBIANO

By: 

Of Counsel

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